

### Notice of Allowability

Application No.

09/904,887

Examiner

Callie E. Shosho

Applicant(s)

HAMA ET AL.

Art Unit

1714

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 11/17/03.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____  | 7 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

Callie E. Shosho  
Primary Examiner  
Art Unit: 1714

**Statement of Reasons for Allowance**

1. The present claims are allowable over the “closest” prior art Uraki et al. (U.S. 6,031,024), Shimomura et al. (U.S. 5,837,754), and Song et al. (U.S. 6,372,824) for the following reasons:

Uraki et al. disclose process for preparing aqueous dispersion comprising the steps of mixing pigment, polymer, and solvent, adding this mixture to water, removing the solvent, and then subjecting the solvent removed product to dispersion treatment.

However, Uraki et al. disclose removing the solvent by washing with water. This is in direct contrast to present claims 1, 3, and 5 that now each require removal of the solvent by distillation under reduced pressure. There is no disclosure or suggestion in Uraki et al. of removing solvent by distillation under reduced pressure. With respect to present claim 2, it is noted that Uraki et al. disclose adding the pigment before solvent removal, which is in direct contrast to the present claims 2, which requires adding pigment after removal of the solvent. With respect to present claim 4, there is no disclosure in Uraki et al. of process of preparing aqueous dispersion comprising mixing organic solvent solution of polymer and water, mixing the resulting mixture with pigment, removing the solvent, and then subjecting the resulting mixture to dispersion treatment.

Shimomura et al. disclose process comprising dissolving polyester in solvent followed by addition of water and then removing the solvent after the polyester particles are formed and dispersed in the solvent. This is in direct contrast to the present claims that require removing solvent before dispersion treatment. Further, there is no disclosure in Shimomura et al. of removing solvent by distilling under reduced pressure as now required in present claims 1, 3, and 5.

Song et al. disclose process comprising mixing polymer, solvent, and water to form dispersion, removing solvent, and then adding pigment. This is in direct contrast to present claim 2 which requires removing solvent before dispersion treatment, i.e. process comprising mixing solvent, polymer, and water, removing solvent, adding pigment, and then subjecting mixture to dispersion treatment. With respect to present claims 3-5, it is further noted that the process of Song et al. is in direct contrast to these claims given that Song et al. disclose removing solvent followed by adding pigment whereas claims 3-5 disclose adding pigment followed by removal of solvent.

Thus, it is clear that Uraki et al., Shimomura et al., and Song et al., either alone or in combination, do not disclose or suggest the present invention.

In light of the above, it is clear that the rejections of record are untenable and so, the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 703-305-0208. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Callie E. Shosho  
Primary Examiner  
Art Unit 1714

CS  
12/4/03